

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **October 9, 2015**
8

9 The Board of Educational Examiners (Board or BoEE) held its monthly meeting
10 October 9, 2015. Richard Wortmann, Chair, called the meeting to order. Members
11 attending were Sara Arnold, Kathy Behrens, Dan Dutcher, Brenda Garcia, Dr. Larry
12 Hill, Mary K. Overholtzer, Dr. Andy Pattee, Dr. Jay Prescott (left the meeting at 10:45
13 a.m.), Erin Schoening and Dr. Anne Sullivan. Also in attendance was Duane Magee,
14 Executive Director, Jim McNellis, Investigator, Darcy Lane, Attorney/Investigator and
15 Renner Walker, Assistant Attorney General. Greg Horstmann, BoEE Consultant, was
16 present in closed session. Dr. Linda Carroll was unable to attend the board meeting.

17
18 Larry Hill moved, with a second by Sara Arnold, to approve the agenda. **MOTION**
19 **CARRIED UNANIMOUSLY.**

20
21 Jay Prescott moved, with a second by Sara Arnold, to approve the consent agenda.
22 **MOTION CARRIED UNANIMOUSLY.**

23
24 Jay Prescott moved, with a second by Sara Arnold, that the Board go into closed
25 session for the purpose of discussing mental health information pertaining to a
26 licensee, whether to initiate licensee disciplinary proceedings, and the decision to be
27 rendered in a contested case, pursuant to Iowa Code sections 21.5(a), (d), and (f).
28 Roll call vote: Arnold – yes; Behrens – yes; Dutcher – yes; Garcia – yes; Hill – yes;
29 Overholtzer – yes; Pattee – yes; Prescott – yes; Schoening – yes; Sullivan – yes;
30 Wortmann – yes. **MOTION CARRIED.**

31
32 Sara Arnold moved, with a second by Jay Prescott, that in **case number 15-115**, the
33 Board find probable cause to establish a violation of the following provisions of the

1 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(2)(b) and 25.3(6)(c),
2 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Larry Hill moved, with a second by Dan Dutcher that in **case number 14-36**, the
5 Board find probable cause to establish a violation of the following provisions of the
6 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(b)(1), and order
7 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8
9 Jay Prescott moved, with a second by Larry Hill that in **case number 15-88**, the
10 Board find probable cause to establish a violation of the following provisions of the
11 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(b)(2) and
12 25.3(1)(e)(4) and (5), and order this case set for hearing. **MOTION CARRIED**
13 **UNANIMOUSLY.**

14
15 Larry Hill moved, with a second by Sara Arnold, that in **case number 15-98**, the
16 Board find probable cause to establish a violation of the following provisions of the
17 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(e)(4), and order
18 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

19
20 Larry Hill moved, with a second by Dan Dutcher that in **case number 15-101**, the
21 Board find that, although one or more of the allegations in the complaint may be
22 substantiated by the witnesses interviewed in the course of the investigation [and/or]
23 the documents gathered in the course of the investigation, and the allegations may
24 constitute a technical violation of the board's statute or administrative rules; the
25 evidence before the board indicates that the alleged violation was an isolated incident.
26 The Board will not pursue formal disciplinary action in this matter. **MOTION**
27 **CARRIED UNANIMOUSLY.**

28
29 Larry Hill moved, with a second by Jay Prescott that in **case number 15-114**, the
30 Board find probable cause to establish a violation of the following provisions of the
31 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(4)(a), (b), (d), and (e),
32 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Jay Prescott moved, with a second by Sara Arnold, that in **case number 15-120**, the
2 Board find probable cause to establish a violation of the following provisions of the
3 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(e)(4), and order
4 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

5
6 Sara Arnold moved, with a second by Dan Dutcher, that in **case number 15-100**, the
7 Board find that, although one or more of the allegations in the complaint may be
8 substantiated by the witnesses interviewed in the course of the investigation [and/or]
9 the documents gathered in the course of the investigation, and the allegations may
10 constitute a technical violation of the board’s statute or administrative rules; the
11 evidence before the board indicates that adequate steps have been taken to remedy
12 the violation and to ensure that incidents of a similar nature do not occur in the
13 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**
14 **CARRIED UNANIMOUSLY.**

15
16 Larry Hill moved, with a second by Jay Prescott, that in **case number 15-117**, the
17 Board find probable cause to establish a violation of the following provisions of the
18 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(3)(e) and 25.3(6)(m),
19 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

20
21 Dan Dutcher moved, with a second by Jay Prescott, that in **case number 15-103**, the
22 Board find that, although one or more of the allegations in the complaint may be
23 substantiated by the witnesses interviewed in the course of the investigation [and/or]
24 the documents gathered in the course of the investigation, and the allegations may
25 constitute a technical violation of the board’s statute or administrative rules; the
26 evidence before the board indicates that adequate steps have been taken to remedy
27 the violation and to ensure that incidents of a similar nature do not occur in the
28 future. The Board will not pursue formal disciplinary action in this matter. Roll call
29 vote: Arnold – recused; Behrens – yes; Dutcher – yes; Garcia – yes; Hill – yes;
30 Overholtzer – yes; Pattee – yes; Prescott – yes; Schoening – yes; Sullivan – yes;
31 Wortmann – yes. **MOTION CARRIED.**

1 Erin Schoening moved, with a second by Kathy Behrens, that in **case number 15-**
2 **112**, the Board find that, the evidence gathered in the investigation, including witness
3 statements and the documentary evidence, does not clearly substantiate the
4 allegations in the complaint. The matter would be best handled at the local level and
5 the Board therefore lacks probable cause to proceed with this matter. Roll call vote:
6 Arnold – yes; Behrens – yes; Dutcher – yes; Garcia – yes; Hill – recused; Overholtzer –
7 yes; Pattee – recused; Prescott – recused; Schoening – yes; Sullivan – recused;
8 Wortmann – yes. **MOTION CARRIED.** (Duane Magee left the room during the
9 discussion of this case in closed session.)
10

11 Dan Dutcher moved, with a second by Sara Arnold, that in **case number 15-130**, the
12 Board find probable cause to establish a violation of the following provisions of the
13 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(7)(d), and order this
14 case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Duane Magee left the
15 room during the discussion of this case in closed session.)
16

17 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-05**, the
18 Board find probable cause to establish a violation of the following provisions of the
19 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(b)(2), 25.3(3)(e),
20 25.3(6)(j) and (n), and order this case set for hearing. **MOTION CARRIED**
21 **UNANIMOUSLY.**
22

23 Sara Arnold moved, with a second by Jay Prescott, that in **case number 15-104**, the
24 Board find probable cause to establish a violation of the following provisions of the
25 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(3)(a) and (e), and
26 order this case set for hearing. Roll call vote: Arnold – yes; Behrens – yes; Dutcher –
27 yes; Garcia – recused; Hill – yes; Overholtzer – yes; Pattee – yes; Prescott – yes;
28 Schoening – yes; Sullivan – yes; Wortmann – yes. **MOTION CARRIED.**
29

30 Jay Prescott moved, with a second by Larry Hill, that in **case number 15-123**, the
31 Board find probable cause to establish a violation of the following provisions of the
32 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(3)(e), and order this
33 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Larry Hill moved, with a second by Dan Dutcher, that in **case number 14-81**, the
2 Board find probable cause to establish a violation of the following provisions of the
3 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(a), 25.3(6)(b), (c),
4 and (o), and 25.3(7)(d), and order this case set for hearing. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 Jay Prescott moved, with a second by Sara Arnold, that in **case number 14-82**, the
8 Board find probable cause to establish a violation of the following provisions of the
9 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(a), 25.3(3)(e), and
10 25.3(6)(b), (c), (j), (l), and (n), and order this case set for hearing. **MOTION CARRIED**
11 **UNANIMOUSLY.**

12
13 Larry Hill moved, with a second by Dan Dutcher, that in **case number 14-83**, the
14 Board find probable cause to establish a violation of the following provisions of the
15 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(a), 25.3(3)(b), and
16 25.3(6)(c), (j), and (l), and order this case set for hearing. **MOTION CARRIED**
17 **UNANIMOUSLY.**

18
19 Jay Prescott moved, with a second by Larry Hill, that in **case number 14-84**, the
20 Board find probable cause to establish a violation of the following provisions of the
21 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(6)(c) and (o), and
22 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

23
24 Larry Hill moved, with a second by Dan Dutcher, that in **case number 15-46**, the
25 Board accept the Respondent's waiver of hearing and voluntary surrender and that the
26 Board issue an order permanently revoking the Respondent's license with no
27 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

28
29 Larry Hill moved, with a second by Dan Dutcher, that in **case number 15-116**, the
30 Board accept the Respondent's waiver of hearing and voluntary surrender and that the
31 Board issue an order permanently revoking the Respondent's license with no
32 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

1 Sara Arnold moved, with a second by Jay Prescott, that in **case number 15-109**, the
2 Board accept the agreement submitted by the parties, and issue an Order
3 incorporating the agreement of the parties and imposing the agreed upon sanction.

4 **MOTION CARRIED UNANIMOUSLY.**

5
6 Jay Prescott moved, with a second by Sara Arnold, that in **case number 14-164**, the
7 Board accept the agreement submitted by the parties, and issue an Order
8 incorporating the agreement of the parties and imposing the agreed upon sanction.

9 **MOTION CARRIED UNANIMOUSLY.** (Duane Magee left the room during the
10 discussion of this case in closed session.)

11
12 Larry Hill moved, with a second by Dan Dutcher, that in **case number 15-29**, the
13 Board accept the agreement submitted by the parties, and issue an Order
14 incorporating the agreement of the parties and imposing the agreed upon sanction.

15 **MOTION CARRIED UNANIMOUSLY.**

16
17 Dan Dutcher moved, with a second by Jay Prescott, that in **case number 15-94**, the
18 Board accept the agreement submitted by the parties, and issue an Order
19 incorporating the agreement of the parties and imposing the agreed upon sanction.

20 **MOTION CARRIED UNANIMOUSLY.**

21
22 Dan Dutcher moved, with a second by Jay Prescott, that in **case number 14-79 In**
23 **the Matter of Anita Babe**, the board accept the modified order. Roll call vote: Arnold
24 – yes; Behrens – yes; Dutcher – yes; Garcia – yes; Hill – yes; Overholtzer – yes; Pattee –
25 yes; Prescott – yes; Schoening – yes; Sullivan – recused; Wortmann – yes. **MOTION**
26 **CARRIED.** (Darcy Lane and Renner Walker left the room during the discussion of this
27 case in closed session.)

28
29 Larry Hill moved, with a second by Sara Arnold, that the Board initiate review of the
30 proposed decision in **case numbers 14-22 and 14-23, In the Matter of Michael**
31 **Reeves and Regan Stone**, to examine whether the proposed sanction is appropriate
32 in light of the findings. **MOTION CARRIED UNANIMOUSLY.** (Renner Walker, Greg

1 Horstmann and Duane Magee left the room during the discussion of this case in
2 closed session.)

3
4 Mary K. Overholtzer, moved, with a second by Larry Hill, that the Board initiate review
5 of the proposed decision in **case number APP 15-01, In the Matter of Steve Wilson**,
6 to examine whether the applicant's conduct warranted denial of licensure. **MOTION**
7 **CARRIED UNANIMOUSLY.** (Renner Walker and Duane Magee left the room during
8 the discussion of this case in closed session.)

9
10 Larry Hill moved, with a second by Dan Dutcher, to extend the 180-day deadline for
11 issuance of the final decision in **case number 15-78**, based upon the amount of time
12 needed to complete the investigation due to pending criminal charges. **MOTION**
13 **CARRIED UNANIMOUSLY.**

14
15 The following cases were discussed in open session:

16 Background/Discussion: The board found probable cause on August 7, 2017. The
17 hearing is scheduled for December 3, 2015. Andy Pattee moved, with a second by
18 Mary K. Overholtzer, to extend the 180-day deadline for issuance of the final decision
19 in **case number 15-80**, based upon the need to schedule and conduct the hearing and
20 the need to review the proposed decision. **MOTION CARRIED UNANIMOUSLY.**

21
22 Background/Discussion: **Case number 12-121 Jeff Smallwood**, Request for
23 reinstatement. Jeff Smallwood's license was suspended for a minimum of six months
24 in an order dated September 23, 2013. He was ordered to undergo a psychological
25 evaluation a complete the ethics course. He has provided evidence of completion of
26 these two requirements, as well as a request for reinstatement. Andy Pattee moved,
27 with a second by Sara Arnold, that the Board grant the Respondent's request for
28 reinstatement and issue an order stating the basis for the suspension no longer exists
29 and it will be in the public interest for the license to be reinstated. Roll call vote:
30 Arnold – yes; Behrens – yes; Dutcher – yes; Garcia – yes; Hill – no; Overholtzer – yes;
31 Pattee – yes; Prescott – yes; Schoening – yes; Sullivan – yes; Wortmann – recused.
32 **MOTION CARRIED.**

1 Background/Discussion: **Case number 13-92 Robert Brown**, Request for
2 reinstatement. Robert Brown's license was suspended for a minimum of one year in
3 an order dated July 1, 2014. He was also ordered to complete the ethics course. Mr.
4 Brown has submitted evidence of completion of the course, as well as a request for
5 reinstatement. Andy Pattee moved, with a second by Dan Dutcher, that the Board
6 grant the Respondent's request for reinstatement and issue an order stating the basis
7 for the suspension no longer exists and it will be in the public interest for the license
8 to be reinstated. Roll call vote: Arnold – yes; Behrens – yes; Dutcher – yes; Garcia –
9 no; Hill – yes; Overholtzer – yes; Pattee – yes; Prescott – yes; Schoening – yes; Sullivan
10 – yes; Wortmann – yes. **MOTION CARRIED.**

11
12 Background/Discussion: Amy Rodriguez entered into an agreement in case number
13 14-67, that required completion of fifteen hours in Ethics for Educators. She
14 mistakenly believed that completion of a special education course, which she was also
15 ordered to take, would serve to fulfill both requirements. She is currently registered to
16 take the ethics course this fall. Sara Arnold moved, with a second by Dan Dutcher,
17 that the board issue an order amending the final board order in **case number 14-67**,
18 based on the respondent's request, to extend the deadline for completing the ethics
19 course. The deadline is extended to allow her to complete the course she is currently
20 registered for. Roll call vote: Arnold – yes; Behrens – yes; Dutcher – yes; Garcia – yes;
21 Hill – no; Overholtzer – no; Pattee – yes; Prescott – yes; Schoening – yes; Sullivan – yes;
22 Wortmann – yes. **MOTION CARRIED.**

23
24 Larry Hill moved, with a second by Sara Arnold, that the Board approve the closed
25 session minutes from August 7, 2015. **MOTION CARRIED UNANIMOUSLY.**

26 27 Board Member Reports

28 Andy Pattee attended the BoEE presentation at the annual School Administrators of
29 Iowa conference. There was great representation by BoEE staff who did a great job of
30 presenting and provided great information. The presentation was well attended.

31
32 Larry Hill provided the board with a brochure from Waldorf College regarding their
33 Master of Arts Organization Leadership – Teacher Leader Concentration program.

1 Mary K. Overholtzer discussed the matter regarding her district's (Winterset CSD)
2 struggle to find substitute teachers to the point that teachers are being pulled from
3 their classrooms to cover other classrooms. Other board members shared what their
4 district is doing regarding the sub shortage. In some districts the sub pool is
5 increasing due to the K-12 Substitute Authorization. Des Moines Public Schools
6 (DMPS) is partnering with an educational staffing service to hire subs (sub
7 authorization). DMPS also hired a sub recruiter facilitator. The Cedar Rapids CSD
8 hired permanent building subs for each of their buildings. All board members
9 indicated it is a huge challenge in all districts.

10
11 Legislative Update

12 Phil Wise was unable to attend and; therefore, there was no legislative update.

13
14 Executive Director's Report

15 Executive Director Magee reviewed the financial reports for FY15 and FY16.

16
17 Licensing System Update: We are continuing to take positive steps with the new
18 licensing system. We continue to take out-of-state teacher applications which is going
19 very well. We are working through some of the behind-the-scenes issues that are
20 cropping up.

21
22 BoEE Professional Practices Data: Executive Director Magee shared data with the
23 board regarding professional practices. Areas reviewed were license type; probable
24 cause; who is filing complaints; allegations for complaints; and, standards violations.
25 This information will be included in the November board packet.

26
27 A letter from the National Board for Professional Teaching Standards will be mailed
28 with all Initial teaching licenses. This letter welcomes new teachers into the profession
29 and informs them regarding National Board Certification.

30
31 Executive Director Magee informed the board that the date of the January board
32 meeting and legislative reception has been confirmed. It will be on Thursday,
33 January 14, 2016

1 Communication from the Public

2 None.

3
4 Stakeholder Presentation – Jim Scharff, Executive Director of the Iowa Associate of
5 School Business Officials, updated the board on the School Business Official (SBO).
6 He informed the board regarding the mission, vision, and values of an SBO. He also
7 provided information regarding the annual evaluation of the renewal program.

8
9 Rules

10 Adopt:

11 Larry Hill moved, with a second by Andy Pattee, to adopt the proposed changes to IAC
12 282 Chapter 12 – Fees increase. Roll call vote: Arnold – no; Behrens – yes; Dutcher –
13 yes; Garcia – yes; Hill – yes; Overholtzer – no; Pattee – yes; Prescott – yes; Schoening –
14 yes; Sullivan – yes; Wortmann – yes. **MOTION CARRIED.**

15
16 Andy Pattee moved, with a second by Dan Dutcher, to adopt the proposed changes to
17 IAC 282 Chapters 13, 15, 16, 18, 20, 22, 23, 24, and 27 – Background check
18 procedures. **MOTION CARRIED UNANIMOUSLY.**

19
20 ARRC Review Pending

21 IAC 282 Chapter 14 – Special Education Endorsement Requirements (1884C) –
22 (Currently under a session delay until the adjournment of the 2016 General
23 Assembly.)

24
25 Notice:

26 Andy Pattee moved, with a second by Anne Sullivan, to file under notice of intended
27 action, the proposed changes to IAC 282 Chapters 13 and 27 – Counseling internships
28 and practicums. **MOTION CARRIED UNANIMOUSLY.**

29
30 Items for Discussion

31 IAC 282 Chapter 24 – Paraeducator area of concentration. A committee of
32 Paraeducator Preparation Program staff members, Department of Education staff, and
33 Board of Educational Examiners staff met over several months to examine possible

1 changes to the Early Childhood Paraeducator area of concentration. If the proposal is
2 adopted, it would replace the current Early Childhood Paraeducator area of
3 concentration. This will move forward to notice at an upcoming meeting.
4

5 Petitions for Waiver

6 Anne Sullivan moved, with a second by Mary K. Overholtzer, that in **PFW 15-14**

7 **Christie VanWey**, the Board conditionally grant the waiver. Reasons for granting:

8 Christie VanWey requested a waiver of the rule regarding the school business official
9 (“SBO”) authorization. Ms. VanWey holds an associate’s degree in Liberal Arts. She
10 has 33 hours of coursework in business and 9 hours of coursework in accounting.

11 Her application for the initial SBO authorization was denied, because the applicable
12 rule requires an associate’s degree in business or accounting, or 60 semester hours of
13 coursework in business or accounting of which 9 semester hours must be in
14 accounting. Ms. VanWey is currently employed as business manager for the Alburnett
15 Community School District. The district currently shares an SBO with another
16 district. Ms. VanWey’s petition notes that denial of her licensure application will
17 prevent her from entering the SBO licensure program through the Iowa Association of
18 School Business Officials, and from obtaining an SBO mentor. Her current employing
19 district would like to her have the ability to complete this professional development.

20 Ms. VanWey believes there would be no prejudice to others if the Board chose to grant
21 the waiver. She cites one previous petition for waiver of the initial school business
22 official authorization educational requirements. Ms. VanWey has completed a
23 substantial amount of the coursework required for the initial authorization, and has
24 also gained relevant experience, both in a position managing payroll and accounts
25 receivable at the Linn-Mar CSD and in her current position as business manager for
26 Alburnett CSD. She intends to continue pursuing coursework and professional
27 development in relevant subjects. The Board concludes that the Petitioner, Christie
28 VanWey, has met the criteria for granting of a waiver from the rule regarding the initial
29 SBO authorization, provided she completes one of the following during the term of the
30 authorization: (1) an associate’s degree in business or accounting; (2) 60 hours of
31 coursework in business; or (3) a bachelor’s degree in business or accounting.

32 **MOTION CARRIED UNANIMOUSLY.**
33

1 Reports/Approvals

2 The board reviewed the 2015-2016 Board Priorities that were determined at the June
3 board retreat. Anne Sullivan moved, with a second by Richard Wortmann, that the
4 board approve the 2015-2016 Board Priorities. **MOTION CARRIED UNANIMOUSLY.**
5

6 The board reviewed the 2015-2020 NASDTEC Interstate Agreement for Educator
7 Licensure. This purpose of this agreement is to provide is a mechanism to inform the
8 Membership and the public of Jurisdiction-Specific Requirements for educator
9 licensure in each Member Jurisdiction. Brenda Garcia moved, with a second by Mary
10 K. Overholtzer, that the board approve the agreement. **MOTION CARRIED**
11 **UNANIMOUSLY.**
12

13 Executive Director Magee thought that it would be a great honor for the board chair's
14 signature to be on all licenses that go out to practitioners. Larry Hill moved, with a
15 second by Mary K. Overholtzer, that the signature of Board Chair, Richard Wortmann,
16 be included on BoEE credentials. **MOTION CARRIED UNANIMOUSLY.**
17

18 There being no further business, Anne Sullivan moved, with a second by Sara Arnold
19 to adjourn the meeting. Meeting adjourned at 1:55 p.m. **MOTION CARRIED**
20 **UNANIMOUSLY.**
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